



SHARED SPACES PROGRAM

San Francisco Shared Spaces Manual

Manual



CLEVELAND HEIGHTS
2022

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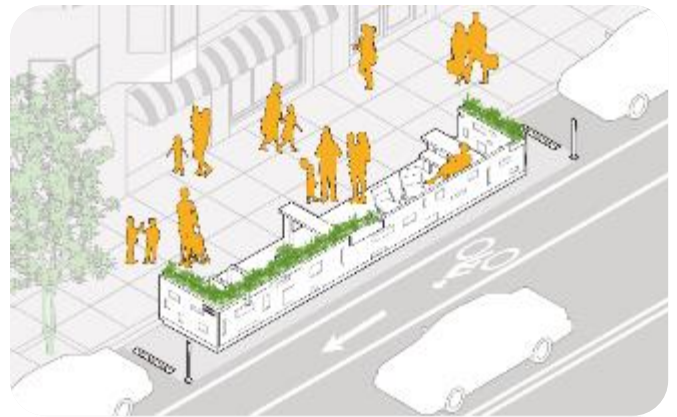
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CONTACT

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ABOUT

About this Manual

The City of Cleveland Heights's **Shared Spaces Program Application Manual** leads applicants through the application process for authorization to install a temporary outdoor-dining facility, parklet, or pedlet within the public right-of-way or on private property. This manual provides an overview of the program, regulations, processes, procedures, terms and conditions, and design best practices. Business owners, property owners, and other potential applicants are encouraged to read this manual before applying.

About the Program

Cleveland Heights prides itself on its many business districts. The City has for many years permitted outdoor dining—both on private property and within the public right-of-way—as a way to support the business community and enliven spaces for residents and visitors.

Beginning in March 2020, the COVID-19 pandemic forced all of us to re-examine places and spaces—how we interact with our neighbors and friends and how we work, live, and play. In response to emergency orders adopted by the State of Ohio and Cleveland Heights, in 2021, the City approved a pilot “parklet” along Cedar Road as a tool to help businesses survive the COVID-19 health crisis.

The pilot program was well-received, and in 2022, the City of Cleveland Heights has decided to create a permanent city-wide program.

Temporary outdoor dining facilities, parklets, and pedlets are creative and cost-effective ways to add outdoor seating and spaces. The City of Cleveland Heights' program focuses on creating additional private seating areas managed and maintained by private businesses. These spaces are not intended for one-time events, large gathering opportunities, or parties. Instead, they are meant to provide additional flexibility for local businesses to activate the area outside their operations. Outdoor dining facilities may be located on the sidewalk or on



private property; parklets and pedlets are located in the parking lane adjacent to the curb and are designed to be an extension of the sidewalk.

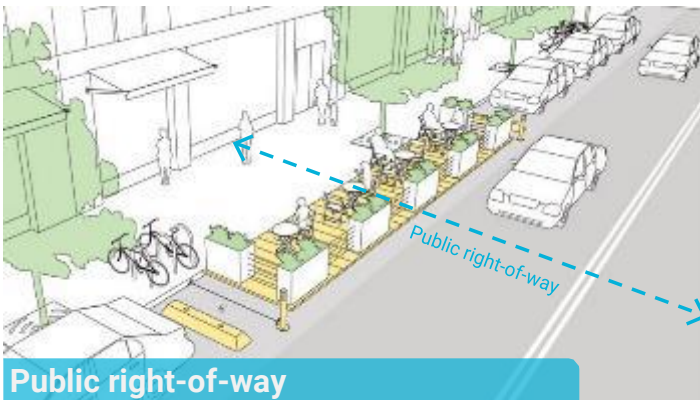
The City supports the use of temporary and low-cost materials to quickly install a temporary outdoor dining area, parklet, or pedlet. All materials, however, must meet the design standards laid out in this manual. The City will review each application individually to accommodate the unique circumstances at each business location.

Permanent Installations

This Manual focuses on temporary installations—whether in the public right-of-way or on private property—intended to be installed no earlier than May 1st of each year and removed by no later than November 1st of each year. The City has established a renewal process for temporary installations that would re-occur from year to year. Permanent installations follow separate processes within the City.

The City of Cleveland Heights would like to acknowledge the City of Dayton, whose Pop-Up Patio Program and Guidebook has been heavily utilized in the preparation of this manual.

DEFINITIONS



Public Right-of-Way

An easement (privilege or right) for public travel. In Cleveland Heights, public rights-of-way take the form of sidewalks, streets, alleys, multipurpose paths, and other public spaces.

Outdoor Dining Facility

New or expanded seating areas installed on the public right-of-way (sidewalks or parallel parking spaces) or on private property.



Parklet (Platform Cafe)

Seating platforms that convert curbside parking spaces (or public right-of-way) into gathering or dining spaces.

Pedlet

Public platforms that convert curbside parking spaces into safe, pedestrian walkways. These semi-permanent installations provide access around expanded or new outdoor dining facilities installed on the sidewalk.



Temporary

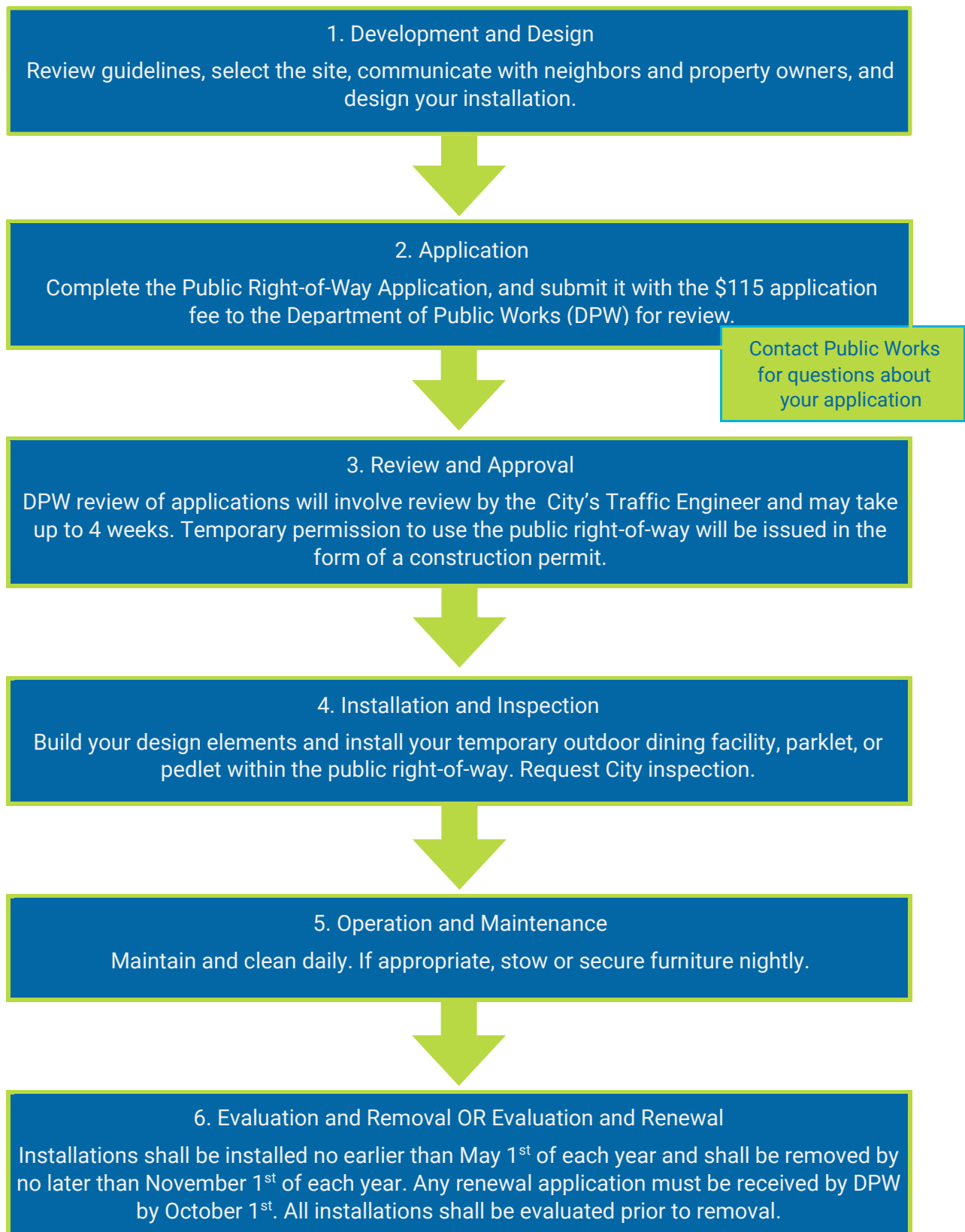
For the purposes of the Shared Spaces Program, "temporary" means that all materials, furniture, barriers, and installations—whether on private property or in the public right-of-way—are easily removed, are not affixed to the ground (excluding safety equipment such as wheel-stops bolted to the pavement), and are removed before November 1st of each year.

Permanent

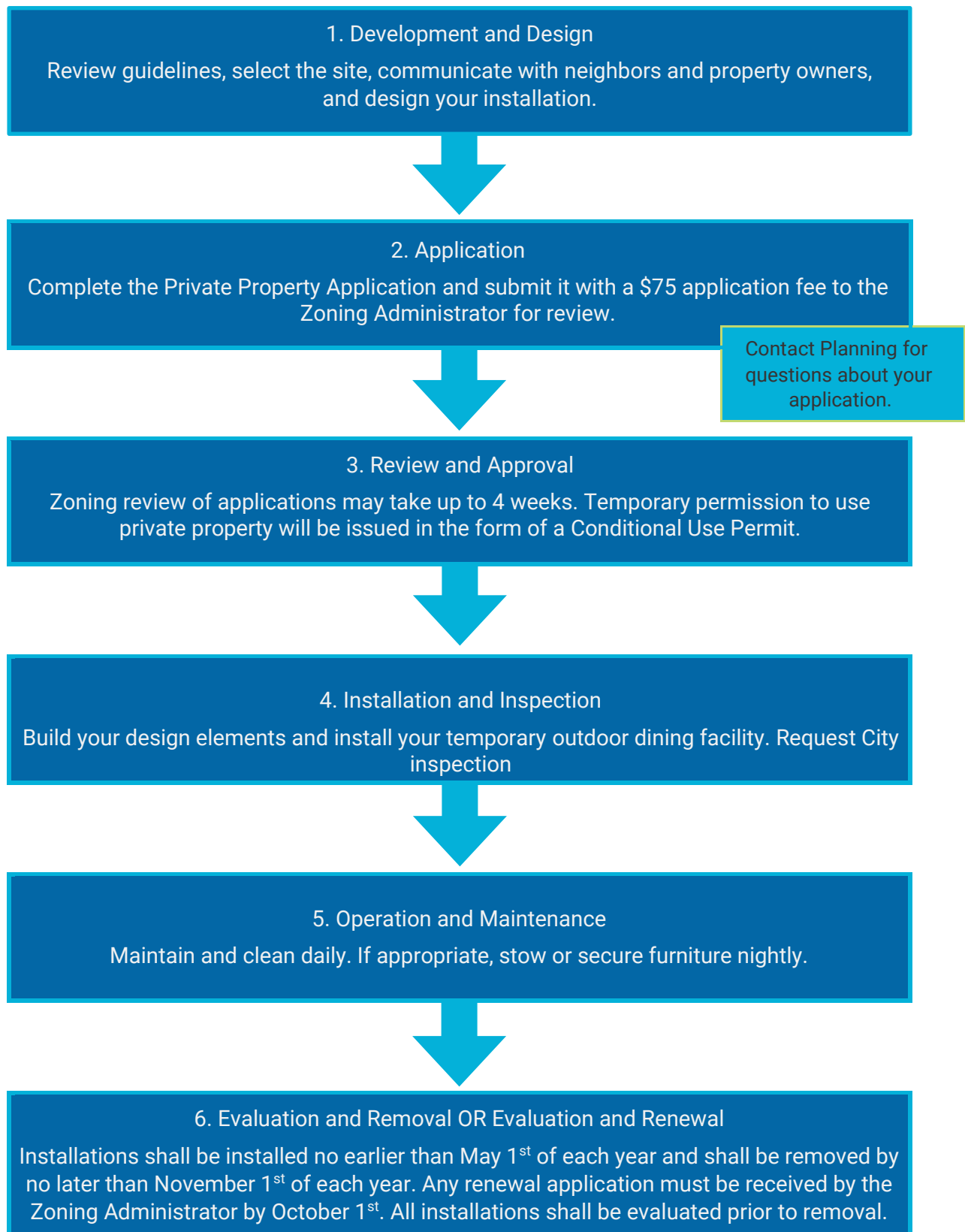
For the purposes of the Shared Spaces Program, "permanent" means any installation—whether on private property or in the public right-of-way—that is affixed to the ground, is not easily removed, and is intended to remain through all seasons. These permanent installations shall be reviewed through the Conditional Use approval process and are not eligible for a Shared Spaces Program permit.



PROCESS OVERVIEW: PUBLIC RIGHT-OF-WAY



PROCESS OVERVIEW: PRIVATE PROPERTY





REGULATIONS

ELIGIBLE APPLICANTS

Eligible applicants may be, but are not limited to:

- ☐ Ground-floor business owners
- ☐ Property owners
- ☐ Non-profit and community-based organizations
- ☐ Special service districts
- ☐ Others, on a case-by-case basis

Eligible applicants must have the organizational capacity to manage the installation and maintenance of a new or expanded outdoor space.

Roles and Responsibilities

Applicant Responsibility	City Responsibility
<ul style="list-style-type: none">• Application submission• Design• Letters of support (if applicable)• Installation and/or construction• Maintenance• Liability• For parklets and pedlets, installation of necessary traffic devices (e.g., wheel stops, flexible bollards, traffic/parking signage or markings)	<ul style="list-style-type: none">• Program management• Application review• Design review and approval• Permit issuance• Inspection of the installation• Oversight and enforcement• Evaluation of installation prior to removal

SITE SELECTION

To ensure the safety of all users, applicants must carefully consider the best location for each different type of installation. The City recognizes that every business location is different and will require tailored site plans and unique accommodations. We will review every application and site plan individually to ensure adequate space around existing street lights, street trees, planters, etc., and to ensure pedestrians and others can pass by safely and easily.

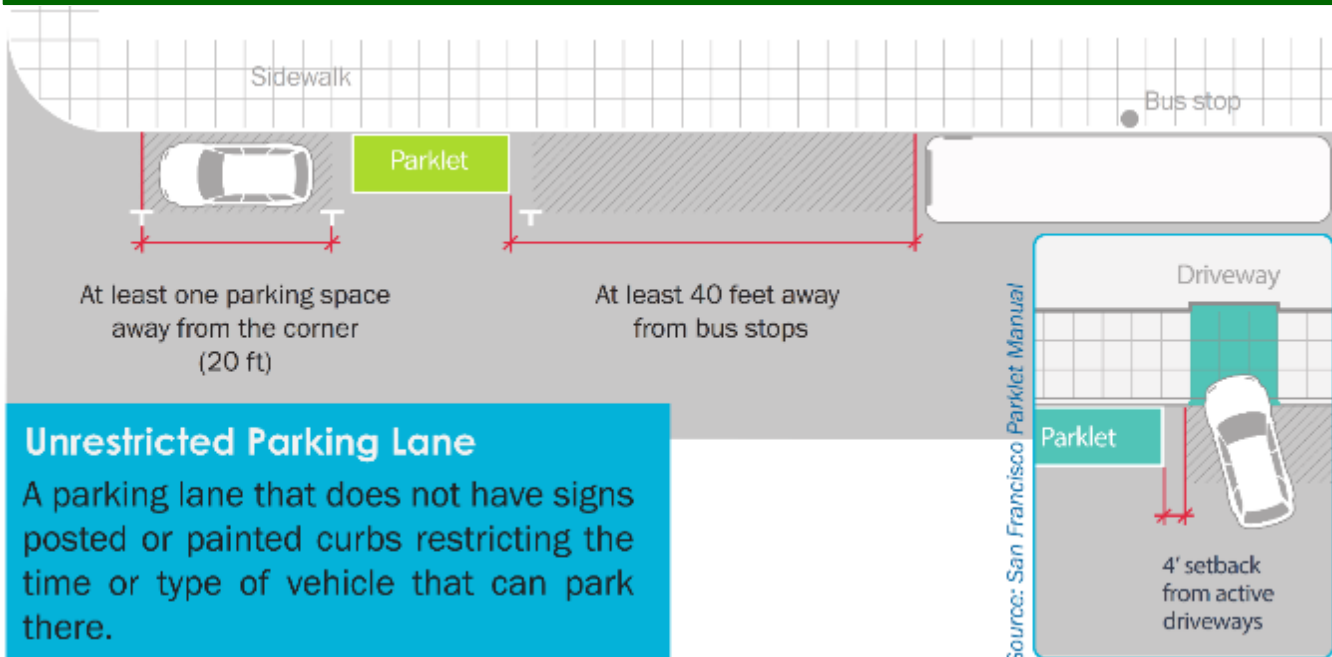
All sites must:

- ☐ Be located within a commercially-zoned district
- ☐ Not interfere with the flow of pedestrian traffic
- ☐ Not block access to crosswalks, curb ramps, public utilities, waste collection receptacles, hydrants, alleys, manhole covers, ADA parking spaces, or driveways

Additionally, sites for parklets or pedlets must:

- ☐ Be located in an unrestricted parking lane, parallel to the curb edge, adjacent to the sidewalk
- ☐ Not block existing street drainage patterns
- ☐ Be located at least one (1) 20-foot parking space away from the nearest intersection
- ☐ Not occupy more than four (4) parking spaces
- ☐ Not be located in or within 40 feet of a bus stop
- ☐ Not be located on streets with steep slopes
- ☐ Include a three (3)- to four (4)-foot inner buffer when adjacent to another parking space

Corner Locations and Bus Stops



PUBLIC HEALTH AND SAFETY

Intent

The intent of the Shared Spaces Program is to help our business community expand capacity by providing a streamlined permitting process for temporary outdoor dining, gathering, and activity. The program is not intended to support large exterior party venues or accommodate large gatherings. Installations for large events or one-time occurrences shall be submitted through the appropriate City special event process. Any Shared Spaces Program application or proposal that violates this intent will be denied approval.

Public Health

All applicants wishing to install outdoor seating areas to support a restaurant operation must meet the Ohio Uniform Food Safety Code. This includes complying with building codes and regulations regarding sanitation, solid waste disposal, food and equipment storage, and dogs in outdoor dining areas.

Public Safety

Sites must be selected carefully to ensure the safety of installations within the public right-of-way. In the City of Cleveland Heights, parklets and pedlets must include vertical elements or barriers such as planters, railings, or cables to help distinguish the parklet or pedlet from the moving and parked car traffic on the street. Reflective elements and wheel stops are required on corner posts around the perimeter of installation in the street's parking lane.

The City of Cleveland Heights will work with local businesses to address individual concerns, but any applicant found to be in knowing violation of these public health and safety regulations will be required to close their temporary outdoor dining facility, parklet, or pedlet. In some instances, more permanent roadway barriers may be required.



LIQUOR PERMITS

Restaurant and bar owners who wish to serve alcohol in their temporary expanded or new outdoor dining areas must comply with the State of Ohio's Division of Liquor Control regulations.

Per the Division of Liquor Control, temporary expansions of liquor permits shall expire on December 31, 2022. Until December 31, 2022, temporary expansions of liquor permits shall follow the following process:

- The permit holder should notify the Division of Liquor Control by e-mail at notifydolc@com.ohio.gov of their permit number, where they are expanding to (i.e., parking lot), and the start and end dates for when expanded sales will occur.
- The permit holder must also notify the Cleveland District Office of the Department of Public Safety Investigative Unit by e-mailing the same information to ADOIUCleve@dps.ohio.gov.

For a full explanation of this process and the rules and requirements for temporary versus permanent liquor permit expansions, please see the State of Ohio's Department of Commerce's publication: [Temporary Expansions at Your Liquor Permit Premises](#).

DESIGN STANDARDS

The City supports the use of low-cost materials to create temporary outdoor dining, parklet, or pedlet spaces. However, all materials used must improve the pedestrian experience in the public right-of-way. Streetscapes are our City's living room, and all Shared Spaces Program spaces must be visually pleasing and fit within the context of their environment.

The Shared Spaces Program supplements the existing Conditional Use processes that are already in place for permanent installations. The table below explains key differences between the two types of installations and provides examples of each.

Temporary Installation	Permanent Installation
Intended to be installed and used typically in the Spring, Summer, and Fall months, then removed before the end of the year.	Intended to remain in place and be available in all seasons throughout the year.
All objects or materials are easily removed and are not affixed to the ground (excluding safety equipment such as wheel stops bolted to the pavement).	Objects or materials are affixed to the ground permanently and are not easily removed.
Building an enclosure (such as a greenhouse), constructing a temporary structure, or utilizing outdoor heaters, may require a Building permit. Contact Building Department at 216.291.4900 with questions.	Any permanent structures will require a zoning and planning review and a Building permit. Contact Building Department at 216.291.4900 for more information.
Applications are reviewed and approved through the Shared Spaces Program.	Applications are reviewed and approved through the Conditional Use permit process and are not eligible for the Shared Spaces Program.
<p>Examples include:</p> <ul style="list-style-type: none"> • Outdoor dining area barriers made of planter boxes and rope • Moveable patio furniture • Wooden platforms built in the street on top of the pavement • Moveable fencing that is not affixed to the ground • Collapsible igloos, tents, or enclosures used in inclement weather • Moveable outdoor heaters 	<p>Examples include:</p> <ul style="list-style-type: none"> • Permanent fencing or railings bolted to the sidewalk • New awnings or decks attached to a principal building • Furniture or fixtures affixed to the pavement • Concrete or stone fire pits built on the pavement

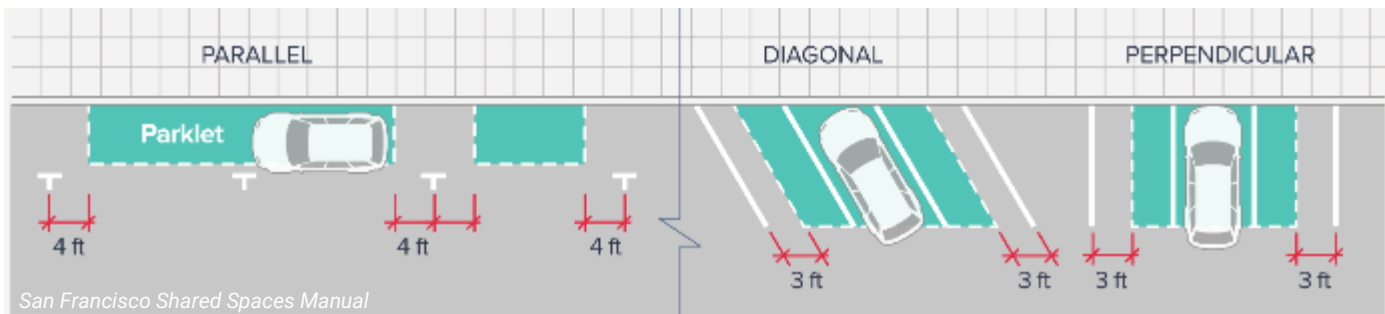
DESIGN STANDARDS (Cont'd)

All installations shall:

- ☐ Have a barrier, fence, or perimeter enclosure no higher than three (3) feet that defines the space.
- ☐ Utilize materials or elements that provide a sense of enclosure or create a boundary around the installation (e.g., planters, barrels, stantions, etc.).
- ☐ (If using rope or chain) Utilize bright colors to help low vision pedestrians see thin elements.
- ☐ Install rope, chain, or lights no lower than two (2) feet off the ground to prevent tripping hazards.
- ☐ Design electrical connections to buildings that do not impede pedestrian traffic.
- ☐ Not connect to City light poles.
- ☐ Place elements that cross or sit perpendicular to the walking path of the sidewalk no more than two (2) feet apart.
- ☐ Provide a minimum of three (3) feet of clearance around all hydrants and ensure furniture does not block hydrants from view.

In addition, all parklets and pedlets shall:

- ☐ Have reflective vertical elements, such as flexible posts or bollards, that make them visible to traffic.
- ☐ Be buffered by a minimum of four (4) feet from adjacent parallel parking spaces and three (3) feet from adjacent diagonal or perpendicular parking spaces using a wheel stop.
- ☐ Have a minimum one (1) foot buffer of space from the edge of the parking lane OR 13 feet from the nearest lane line.
- ☐ Include a sign at the locations of all hydrants with "HYD" in white lettering on a red background.
- ☐ Have a surface constructed of a slip-resistant material with a minimum load-bearing weight of 100 pounds per sq. ft.
- ☐ Utilize barriers such as planters or railings to protect users.
- ☐ Maintain clear, unobstructed sightlines to and from the street.
- ☐ Be ADA-compliant. (Refer to the ADA's website for all requirements.)
- ☐ Provide at least three (3) feet of clear space, as long as a 5-foot-by-5-foot (5'x5') passing space is provided every 200 feet.
- ☐ Have a flush transition at the curb to permit easy access for people in wheelchairs or with other mobility issues and avoid any tripping hazards.
- ☐ Ensure all ramps have slopes of no greater than 8% (1:12).
- ☐ Ensure ramps have sufficient color contrast to be seen by people with limited visual ability.
- ☐ Not block curbside drainage.
- ☐ Provide sidewalk-facing edges that are open to pedestrians.
- ☐ Be constructed of durable, quality materials.

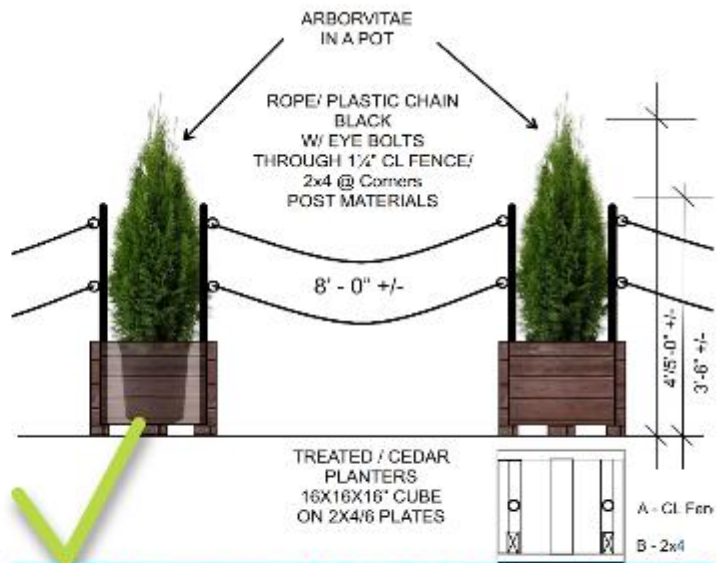


Temporary Outdoor Dining Facilities

Temporary outdoor dining facilities may be constructed out of simple and mobile materials to allow easy setup and tear-down. However, materials must be stable (not easily knocked over), create a sense of enclosure for the outdoor area, and look nice. Concrete barriers are preferred to separate the roadway with any parklet, pedlet, or temporary outdoor dining facility.

Water-filled jersey barriers shall not be used to construct temporary outdoor dining facilities, parklets, or pedlets within the public right-of-way.

For more examples of how to create modular units or repurpose other materials to create barriers check out the [Tactical Urbanist's Guide to Materials and Design](#).



Planter boxes combined with vertical posts, small plants, and a simple chain reduce the costs for materials



Planter boxes provide visual interest while marking the boundary of a space



Barrels provide stable vertical elements combined with simple rope to mark the boundary of an outdoor space



Reusing materials and sprucing them up (like the pallets shown) can provide a cheap way to create fencing



Water-filled jersey barriers are not permitted

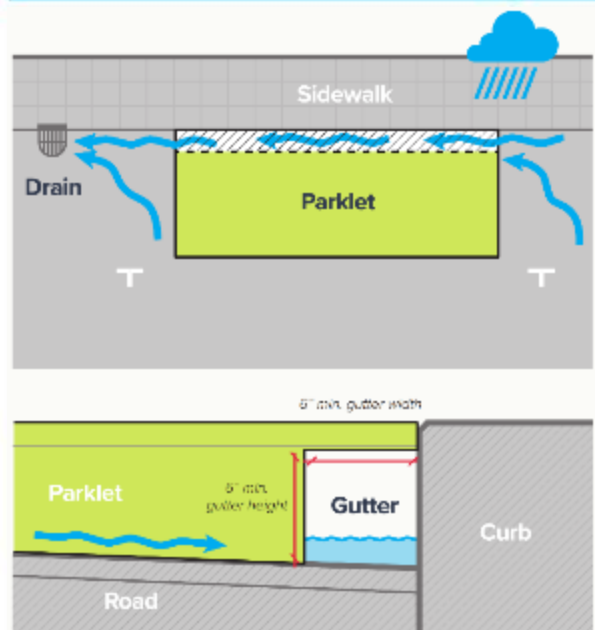
Parklets and Pedlets

Parklets and pedlets must be constructed with more durable and stable materials than temporary outdoor dining facilities. These platforms must support 100 pounds per square foot, be level, must not impede the flow of stormwater, and must connect to the curb. Parklets and pedlets must include vertical elements that alert vehicles to their presence and include materials that create some enclosure around the perimeter. They must also look nice.

For more examples of how to create a parklet, visit the [National Association of City Transportation Officials \(NACTO\) Parklets Guide](#).

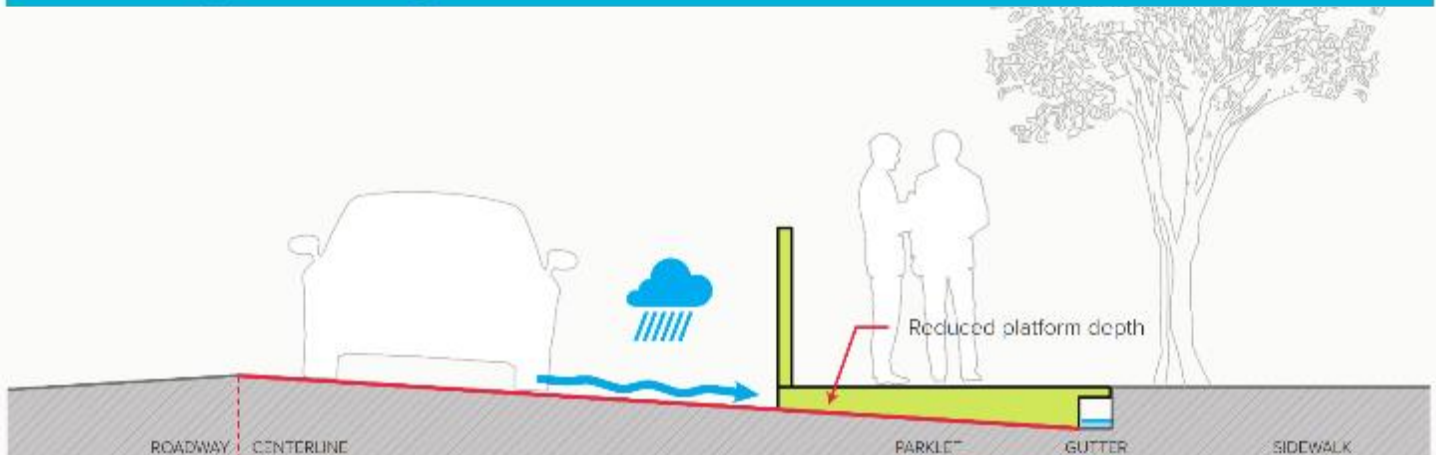


Close-up of drainage allowance



Source: San Francisco Parklet Manual

Illustration of platform design and stormwater flow





PROCESS AND PROCEDURES

APPLICATION

The City of Cleveland Heights Department of Public Works will receive all applications for temporary outdoor dining facility, parklet, or pedlet installations located within the public right-of-way and will coordinate review with the Planning & Development, Police, and Fire Departments. The Planning & Development Department will review applications for temporary outdoor dining facilities, parklets, or pedlets located on private property and will coordinate review with DPW, Fire and Police Departments.

Applications must include:

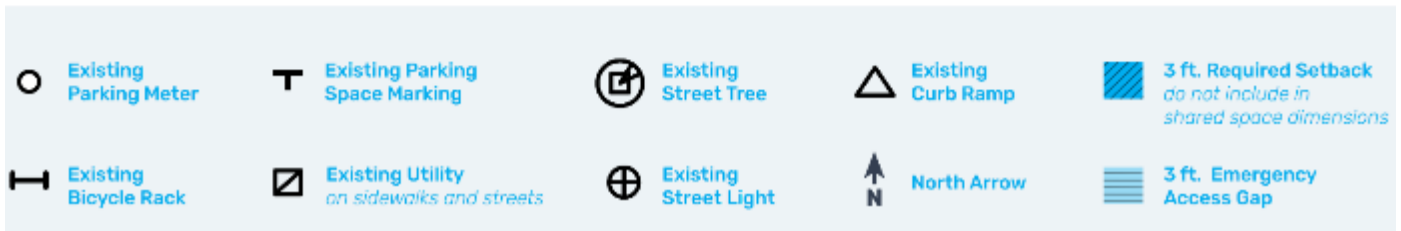
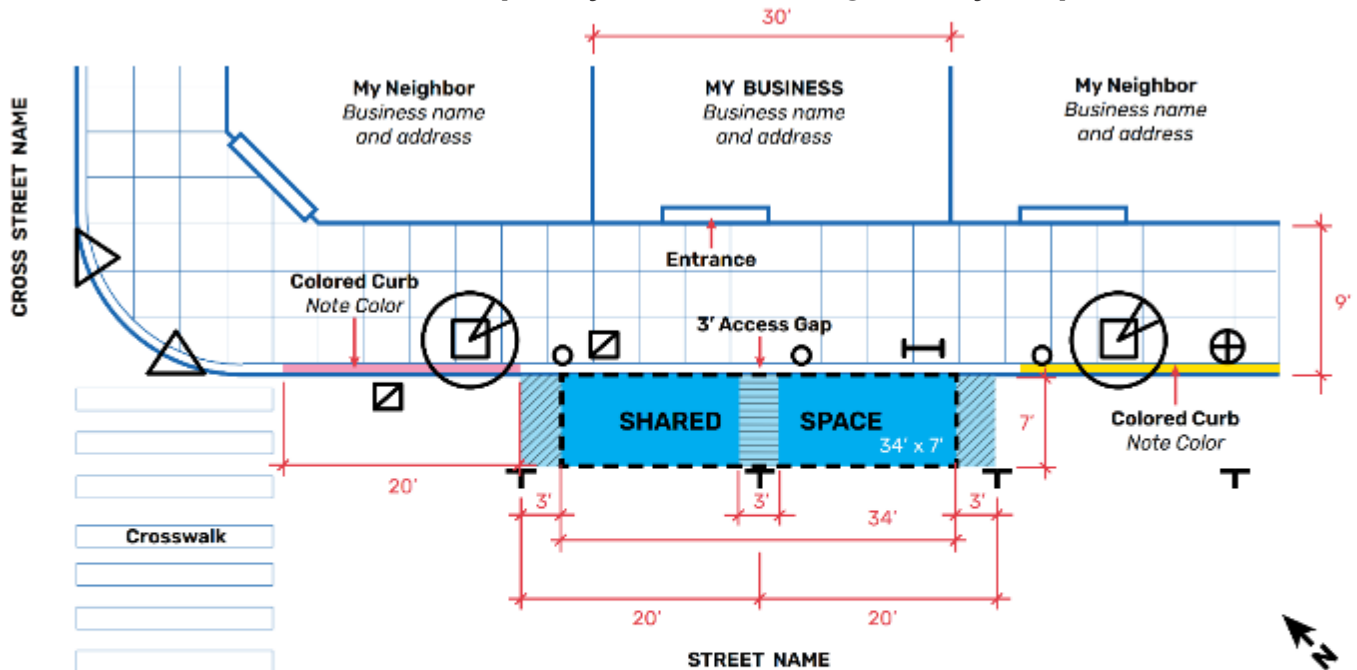
- ☐ Completed application form (See Appendix)
- ☐ Payment of a one-time application fee (made payable to the “City of Cleveland Heights”) of either \$115 (public right-of-way installations) or \$75 (private property installations).
- ☐ Adjacent addresses and photographs of the proposed location
- ☐ A map showing the installation’s location (See example below)
- ☐ A scaled drawing showing the design of the installation, locations of existing signs, waste containers, and parking meters (See example site plans on following pages)
- ☐ Proof of permission from the property owner (See letter template in the Appendix)
- ☐ Proof of support/signature from 51% of neighboring businesses along the affected street section, if the installation will extend past the applicant’s property boundaries or business frontage, or if it involves public parking spaces.
- ☐ Pictures or drawings that illustrate the materials to be used in the installation
- ☐ A brief description of operations, including hours of operation and if alcohol sales will occur
- ☐ Indemnification of the City of Cleveland Heights, and certificate of insurance with the required limits listing the City of Cleveland Heights as the certificate holder, and as an additional insured
- ☐ A maintenance plan (See maintenance checklist example on page 20)

Example Location Map



Example Site Plan for Installation in the Public Right-of-Way

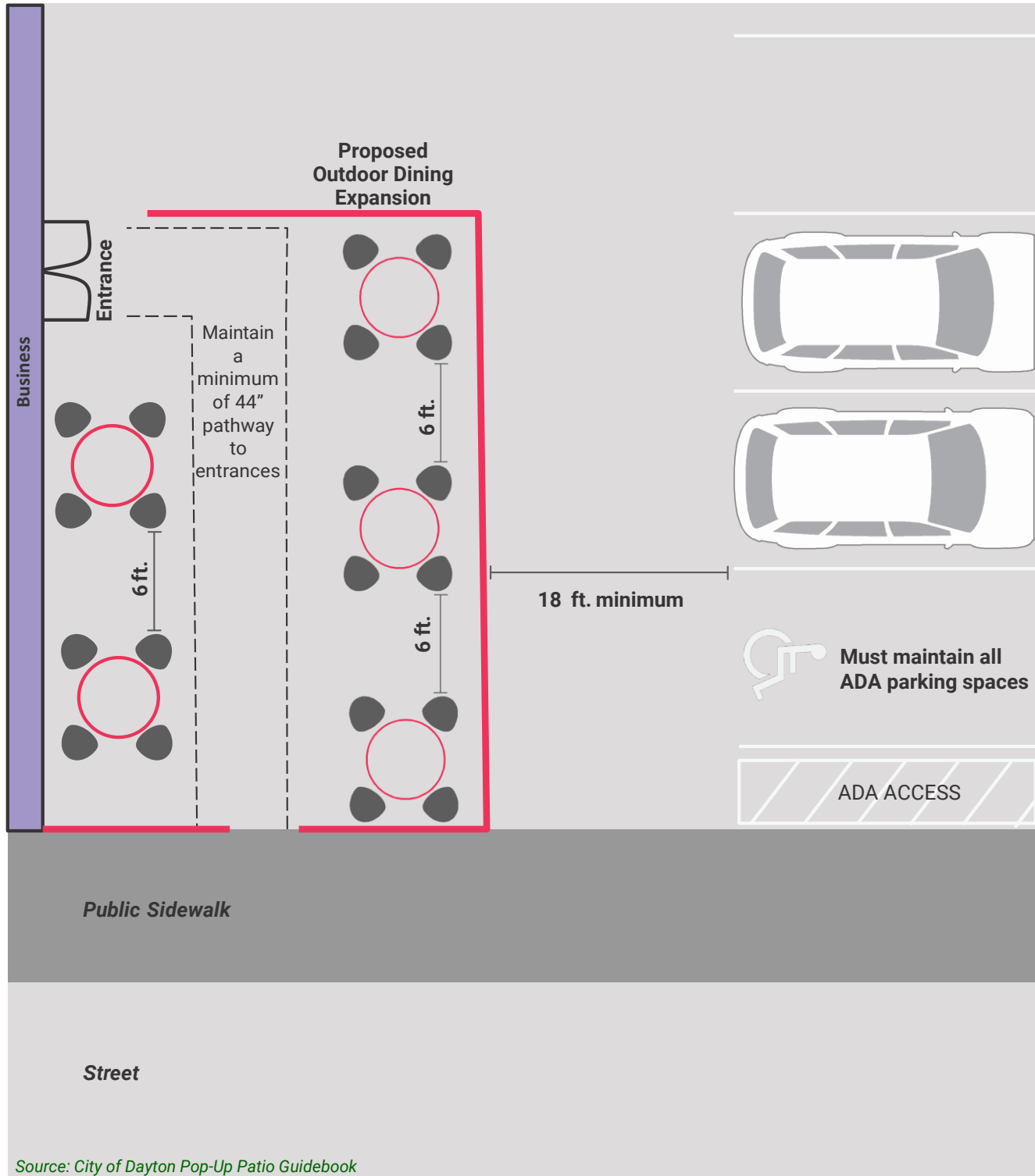
[Business Name]: Pedlet & Temporary Outdoor Dining Facility Proposal



Source: San Francisco Shares Spaces Manual

Example Site Plan for Installation of Temporary Outdoor Dining Facility on Private Property Only

[Business Name]: Private Temporary Outdoor Dining Facility



REVIEW AND APPROVAL

The City of Cleveland Heights's Department of Public Works and Department of Planning & Development will review applications to:

- ☐ Determine if the application is complete.
- ☐ Determine if the application meets all requirements.
- ☐ Review individual aspects related to the specific location and streetscape elements.

The City expects application reviews to take up to 4 weeks to complete.

Applicants will be notified in writing if their application is approved or denied.

Approved applicants for installations within the public right-of-way will receive a construction permit and will be authorized to begin construction, installation, and/or use of the public right-of-way.

Approved applicants for installations on private property will receive a Conditional Use Permit and will be authorized to begin construction and installation on private property. Building permits may be necessary for either instance and would require approval from the Building Department after authorization by the Department of Public Works or Department of Planning & Development.

Notification of an application denial will state why the application has been denied and provide the applicant with information about how to appeal the denial determination.

All appeals shall be submitted in writing. Appeals of Shared Spaces Program decisions must be sent via e-mail or certified U.S. mail to the Mayor or his/her/their designee.

INSTALLATION AND INSPECTION

Upon approval of a Shared Spaces Program application, City staff will advise the applicant of any site-specific considerations or requirements related to their installation. To the extent possible, applicants should assemble materials off-site to reduce on-site installation time and minimize pedestrian/vehicular traffic interference.

Applicants with installations in metered parking spaces must rent meter covers from the Department of Public Works for \$1.00 per cover and keep the meter covers in place for the duration of the installation.

Upon completion of installation, the Applicant shall request an inspection from the City.

PLEASE NOTE: Permanent installations follow separate processes within the City of Cleveland Heights.

OPERATION AND MAINTENANCE

Applicants are solely responsible for the maintenance and upkeep of their installations. This includes all duties and costs related to keeping the installation clean and in good condition. Installation areas should be cleaned daily, furniture stowed or locked nightly (if appropriate), and any damage repaired promptly. Proper maintenance is a condition of the permission to install, and failure to conduct proper maintenance may result in the loss of authorization for the installation at the City's discretion.

Example Maintenance Checklist:

- ☐ Clean up rubbish within and around the installation
- ☐ Sweep the area in and around the installation
- ☐ Remove debris against the outside edge of the installation, especially at the curb, to help maintain the free flow of stormwater drainage
- ☐ Water and maintain plantings
- ☐ Place furniture each morning
- ☐ Wipe down tables and chairs after each use
- ☐ All furniture shall be secured overnight in a way that it cannot be tampered with and/or thrown into the road

REMOVAL OR RENEWAL & EVALUATION

Removal

If a renewal application is not submitted, businesses must remove all temporary installations and restore spaces to their original condition no later than November 1st of the year they were installed.

All installations must be constructed and installed to allow them to be easily removed. In rare circumstances, the City may require an installation's temporary or permanent removal. Applicants must be able to remove an installation within 30 days of receiving a notice of the need to do so from the City of Cleveland Heights. The City reserves the right to remove any temporary installation for emergencies or utility work. The applicant is responsible for all costs associated with the disassembly and removal of the installation.

Renewal

If a business desires to maintain a temporary installation for the next calendar year, a renewal application must be submitted by October 1st of the current year. If any changes to the previously approved site plan are proposed, a new complete application must be submitted for review and approval. Renewal applications must include payment of the annual application fee, a completed renewal form, an updated copy of liability insurance, and any necessary letters of support or permission.

Evaluation

For all installations, regardless if a renewal is requested, City staff will evaluate the installation ensure installed materials remained safe and met program requirements.



APPENDIX

APPLICATION CHECKLIST

- ☐ I have read and reviewed the *Shared Spaces Program Application Manual*.
- ☐ I have read and reviewed the Shared Spaces Program Terms and Conditions.
- ☐ My business/organization has the capacity to manage an installation and the daily maintenance of the temporary outdoor dining facility, parklet, or pedlet.
- ☐ I found a location that meets all of the site selection requirements (with the understanding that the City of Cleveland Heights will do its best to meet the unique needs of each business and make accommodations when necessary).
- ☐ (If serving food) My business/restaurant can meet the Ohio Uniform Food Safety Code and can comply with any additional orders issued by the State of Ohio Governor's Office.
- ☐ (If serving alcohol) I understand that I must follow current Division of Liquor Control regulations before serving alcohol in my outdoor dining facility.
- ☐ I have reviewed the Design Standards and have planned my installation to meet them.
- ☐ I have assembled and submitted all of my application materials, including:
 - ☐ A completed application form for:
 - Permit for Temporary Installation in the Public Right-of-Way OR
 - Conditional Use Permit for Temporary Installation on Private Property OR
 - Renewal
 - ☐ A check or money order made payable to the "City of Cleveland Heights" in the amount of:
 - \$115 for a Temporary Installation in the Public Right-of-Way OR
 - \$75 for a Temporary Installation on Private Property
 - ☐ Photographs of the proposed location
 - ☐ A map showing the installation's location
 - ☐ A scaled drawing (or site plan) showing the design of the installation
 - ☐ (If applicable) Proof of permission from the property owner
 - ☐ (If applicable) Proof of support/signature from 51% of neighboring businesses along the affected street section.
 - ☐ Pictures or drawings that illustrate the materials to be used in the installation
 - ☐ A brief description of operations, including whether alcohol sales will occur and hours of operation
 - ☐ (If applicable) Indemnification of the City of Cleveland Heights, and certificate of insurance with the required limits listing the City of Cleveland Heights as the certificate holder, and as an additional insured
 - ☐ A maintenance plan
- ☐ I am aware that City of Cleveland Heights employees will monitor my installation and may request that I complete short surveys to report how the installation is going.
- ☐ I agree to remove my temporary installation by November 1st and return the property to its original condition
- ☐ I am submitting a renewal application by the October 1st deadline

APPLICATION FORM: INSTALLATION IN THE PUBLIC RIGHT-OF-WAY



RIGHT-OF-WAY CONSTRUCTION PERMIT APPLICATION

FOR ROW # _____

Number must appear on all correspondence

DATE: _____

Drawings, Plans, Specifications and Construction must be submitted with this application. (FOR STREET OPENINGS FOR WATER AND SEWERS SKIP QUESTIONS 3-8)

Permit requested to: ☐ Construct ☐ Reconstruct ☐ Install ☐ Excavate

1. Construction Schedule: (Preliminary) _____

2. The Facility to be constructed/reconstructed/installed/maintained will ☐ will not ☐ be repaired in accord with all codes, rules and regulations, and local construction standards. (If "will not", describe non-compliance)

Provide location on Drawings/Plan for the following:

3. Proposed ABOVE GROUND Facility:	6. LOCATION and ROUTE of Facility to be UNDERGROUND:
4. Proposed UNDERGROUND Facility in EXISTING DUCTS:	7. LOCATION of ALL KNOWN EXISTING UNDERGROUND Facilities:
5. Proposed UNDERGROUND Facility in NEW DUCTS:	8. LOCATION for INTERCONNECTION with Facility:

9. Construction Method to be employed: _____

10. List proposed Facilities to temporarily or permanently be removed or relocated: _____

11. How will proposed route of Facilities impact existing trees in Right-of-Way: _____

(Provide landscape plan for areas disturbed during construction – use reverse side of this application for additional comments)

12. Provide copies of ALL governmental approvals and permits to construct and operate the Facilities. (Attach to application)

13. For ROW Excavations and Street Openings – Provide Details of Excavation areas and estimated Dimensions. (Attach to application)

STREET EXCAVATION FEE SCHEDULE

EXCAVATION AREA (SQUARE FEET)	BASIC FEE
Less than 20	\$200.00
20 up to 50	\$400.00
50 up to 100	\$600.00
100 or over	\$800.00

ALL EXCAVATIONS SHALL BE RESTORED UNDER THE SUPERVISION OF THE PUBLIC WORKS DEPARTMENT, AND IN ACCORDANCE WITH CLEVELAND HEIGHTS STANDARD CONSTRUCTION DRAWINGS.

CHECKS SHALL BE MADE PAYABLE TO THE "CITY OF CLEVELAND HEIGHTS" AND SUBMITTED TO THE PUBLIC WORKS DEPARTMENT "UTILITIES DIVISION" WITH APPLICATION

<input type="checkbox"/> Project reviewed and approved by Capital Projects Office	
<input type="checkbox"/> Project reviewed and disapproved by Capital Projects Office for the following reason(s): _____	
Capital Projects Manager _____	Date _____
Total Fee: _____	
Attachments included with application?	
Yes <input type="checkbox"/>	No <input type="checkbox"/>

APPLICATION FORM: INSTALLATION ON PRIVATE PROPERTY

TEMPORARY OUTDOOR DINING ON PRIVATE PROPERTY CONDITIONAL USE PERMIT APPLICATION City of Cleveland Heights



The application is available at www.clevelandheights.gov/forms. Please e-mail to planning@clevelandheights.gov. **REVIEW PAGES 2 & 3 PRIOR TO APPLICATION.** Call 216-291-4878 or e-mail planning@clevelandheights.gov with questions.

Applicant (business name & contact person) _____

Phone _____ e-mail _____

Address of subject property _____

Mailing address of applicant _____

Modification of an existing conditional use permit? No: ___ Yes: ___ If yes, permit no.: _____

Property owner, if different from applicant _____

Phone _____ e-mail _____

I, _____, property owner, affirm by my signature below that the "Applicant" has permission to operate an outdoor dining area as outlined in this application.

Property owner(s) signature _____ Date _____

In addition to this application, you must provide the following supporting documentation:

- _____ Proof of property ownership, option, or lease agreement.
- _____ Site plan, drawn to scale, in an 8 ½ x 11 or 11 x 17 format showing the proposed outdoor use and connections to the indoor portion of your restaurant, location and number of tables and chairs, awnings, fencing, landscaping, paving, and all property lines, including public-right-of-way lines &/or stage, merchandise location, etc.
- _____ Detailed description of project, including number of seats/attendees, hours/days of operation, how you will comply with Outdoor Dining and/or General Standards for Temporary Outdoor Dining Facilities.
- _____ Additional information based on the proposed temporary use may be requested.
- _____ \$75 application fee.

Please note that depending on use, other department approvals such as Police & Fire may be required.

By signing, I declare that all information I provided is true, correct, and complete, to the best of my knowledge, and that I will comply with the terms of my permit and City Ordinances.

Applicant Signature: _____ Date: _____

OFFICE USE ONLY

Temporary Outdoor Dining Conditional Use Permit # _____

Date permit issued: _____

Date submitted:

- ☐ All required supporting documentation received; Date: _____
- ☐ Application fee (\$75.00) received by: _____ Date: _____

This proposal will require:

- ☐ Fence permit (fee waived) (required for all fences, except temporary stanchions/ropes)
- ☐ Building Permit(s) (structural, plumbing, electrical, walls, paving changes, etc.)
- ☐ Ohio Division of Liquor Control approval if serving alcohol (attach)

Planning Director approval: _____ Date: _____

General Information

This application is for a conditional use permit for the installation of a temporary outdoor dining facility, parklet, or pedlet on private property. If the plans include any permanent installations of structures, these will be reviewed through the City's normal review procedures. If the plans include any temporary installations in the public right-of-way, including sidewalks, please contact the Department of Public Works.

Fencing/Masonry Walls—Code Section 1131.08(c)

Generally, fences or walls in the front yard shall be no taller than 4' and not taller than 7' in a rear or interior side yard. All walls/structural changes and many fences require the approval of the Architectural Board of Review (ABR). A fence permit is required for all fences, including those in place only during the outdoor dining season. Less formal fencing arrangements, such as stanchions with ropes, do not require a fence permit. A building permit is required for walls or similar structures.

Fence permit application: www.clevelandheights.gov/fence

Building permit: www.clevelandheights.gov/buildingpermits or 216.291.4900

Building Permits

Building permits are required for any buildings, walls, structures, plumbing, electrical, or paving changes. Contact the Building Department at 216.291.4900 to verify whether your work requires permits.

Ohio Division of Liquor Control approval may be required.

<http://www.com.ohio.gov/liqr/>

Any outdoor dining facility that will serve alcohol must obtain the approval of the Ohio Division of Liquor Control. It is the operator's responsibility to obtain this approval, which generally will not be granted unless a conditional use permit/ temporary expansion area permit has already been obtained. A copy of the Division of Liquor Control's approval must be submitted to the Planning & Development Department and attached to the operator's conditional use permit.

Certificate of Liability Insurance

No additional insurance is necessary for any outdoor dining facility, parklet, or pedlet on private property.

Outdoor Entertainment or the use of speakers may be permitted within an outdoor dining facility provided that the outdoor entertainment or speakers must not violate the City's noise ordinance, Section 509.03(b) and must be installed, operated and conducted in a manner that will minimize intrusion into neighboring properties or adverse community impacts.

Outdoor Dining Facilities shall specify the times they will be in use. The hours permitted shall be specified in the permit, but in no event shall the area be used after 10:00 PM.

Outdoor Dining Regulations—Code section 1153.05(p)

Outdoor dining is a conditionally permitted use and must comply with the following regulations:

- 1) The use shall not interfere with the flow of pedestrian traffic. The approving authority shall determine to what extent, if any, such use may encroach upon the public right-of-way, provided that an unobstructed walkway of a width specified in the conditional use approval is reserved for public passage. In no case shall the unobstructed walkway be less than six feet in width.
- 2) Temporary stanchions with chains or ropes may be approved for the outdoor dining facility, the extent and nature of which shall be set out in the conditional use permit. Architectural Board of Review approval shall be required only for fencing that is temporarily or permanently affixed to the ground or floor of the outdoor dining area.

General Standards for Temporary Outdoor Dining Facilities

All conditional uses, including outdoor dining, must comply with the following general standards:

- a) That the temporary use will be in general accord with the purpose, intent and basic planning objectives of the Zoning Code, and with the objectives for the district in which located;
- b) That the establishment, maintenance or operation of the temporary use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare;
- c) That the temporary use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not essentially change the character of the same area;
- d) That the temporary use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- e) That the establishment of the temporary use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- f) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- g) That adequate measures have been or will be taken to provide ingress and egress designed as to minimize traffic congestion in the public streets;
- h) That the establishment of the temporary use should not be detrimental to the economic welfare of the community by creating excessive additional requirements at public cost for public facilities such as police, fire and schools;
- i) That there is minimal potential for future hardship on the temporary use that could result from the proposed use being surrounded by uses permitted by right that are incompatible;
- j) That the temporary use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

PERMISSION LETTER TEMPLATE

[[NAME OF BUSINESS]]

[[ADDRESS]]

[[CONTACT]]

Dear [[PROPERTY OWNER NAME, NEIGHBOR NAME]],

I would like to take advantage of the City of Cleveland Heights' Shared Spaces Program, which allows private businesses to create or expand temporary outdoor dining areas, parklets, or pedlets.

I am writing today ["as your tenant" OR "as your neighbor"] to seek your permission
[[CHOOSE ONE]]

...to create or expand my business' outdoor dining to include adjacent space on the sidewalk.

...to create a new outdoor gathering space by creating a parklet.

...to create a pedlet into the adjacent parking spaces that will allow safe pedestrian travel around my expanded outdoor dining area or parklet.

I am following the rules set forth by the City of Cleveland Heights to create this outdoor space for my customers, and I'm happy to share details about the layout and setup of the space if you would like. If you'd like to see all the guidelines in detail, you can find a copy at www.clevelandheights.gov.

This temporary installation will only remain in place through November 1, [YEAR]. If I have your permission to proceed with this plan, please sign below. I am happy to answer any questions as best I can. If I plan to renew the installation for an additional year beyond [YEAR], I will be required to submit a renewal application, including a renewed permission letter from you.

Sincerely,
[[SIGNATURE]]

- ☐ YES, I understand the nature of this Shared Spaces Program, and I consent to this business' application, knowing this business must adhere to the guidelines established by the City of Cleveland Heights.

(sign name)

(print name)

RENEWAL APPLICATION FORM

ANNUAL RENEWAL APPLICATION FORM

Project information

Project address _____

Lot number _____

Applicant Name _____

Applicant Address _____

City _____ State _____ Zip _____

Person to contact _____

Phone # _____ Cell# _____

E-mail _____

Select the type of Permit you received:

☐ **Permit for Installation within the Public Right-of-Way**

*E-mail renewal application and all required attachments listed below to:
Joe Kickel at jkickel@clevelandheights.gov*

☐ **Conditional Use Permit for Installation on Private Property**

*E-mail renewal application and all required attachments listed below to:
Karen Knittel at kknittel@clevelandheights.gov*

Required Attachments

- Copy of approved site plan to be re-used*
- Renewal fee payable to the City of Cleveland Heights (\$115 for right-of-way; \$75 for zoning)
- An updated copy of liability insurance (if applicable)
- If applicable, updated indemnification of the City of Cleveland Heights, and certificate of insurance with the required limits listing the City of Cleveland Heights as the certificate holder, and as an additional insured
- If the applicant is a tenant of a building, an updated letter documenting permission from the property owner for installation for another calendar year
- If applicable, updated letter of support from neighboring businesses

**If any changes are proposed to an approved site plan, the applicant must submit a new application following the original guidelines*